

REMARKS

I. Introduction

Claims 1-7 are pending in the application with claim 1 being independent.

II. Rejection Of The Claims

The examiner rejected claims 1-4 and 7 under 35 U.S.C. 103(a) alleging that the claims are unpatentable over U.S. Patent No. 3,583,734 to Magi ("Magi") and rejected claims 5-6 under 35 U.S.C. 103(a) as being unpatentable over Magi as applied to claim 1, and further in view of U.S. Patent No. 5,412,842 to Riblett.

Magi does not describe the invention of claim 1 for at least the following reasons: 1) Magi does not describe the claimed hinge pin, and 2) Magi does not describe that a check mechanism is operably connected to the hinge pin.

Magi describes a first lock member 10 and a second lock member 35. Each lock member is attached to a structural member. Fig. 6 illustrates that the first lock member 10 is attached to structural member 24 that comprises a metal tube 25 flattened at one end 26. The lock members are connected via a bolt 58. The bolt passes through a first aperture 28 in the flattened portion 26 of the structural member 24 and a second aperture 13 in the first lock member 10. It also passes through a third aperture 54 in a boss 52 of the second locking member 35 before passing through another aperture in the second structural member 59. Magi describes that "a nut (not shown) can be tightened in such a way that it may lock on the bolt but not compress the lock members 10 and 35 together. In other words, the bolt is adapted to hold the lock members 10 and 35 in engagement without axial compression." Column 2, lines 64-68.

In rejecting claim 1, the examiner alleged that the structural member 59 describes the first hinge leaf and the flattened portion of the other structural member 26 describes the second hinge leaf. Regardless of whether the structural members or the lock members are considered, Magi does not describe a hinge pin that hingedly connects a first hinge leaf to a second hinge leaf where the hinge pin is rotatably

mounted in one hinge leaf and non-rotatably mounted in the other hinge leaf. In Magi the bolt and nut act as a hinge pin since they hold the lock members or structural members together. However, the bolt is rotatably mounted in both the first lock member and the second lock member (and in both structural members). Thus, the bolt does not describe the claimed hinge pin which is rotatably mounted in one hinge leaf and non-rotatably mounted in the other hinge leaf.

The partitions 38 of the second lock member 35 do not describe a hinge pin because the partitions alone can not hold the lock members together. Without the bolt, the lock members would fall apart. Thus, the partitions do not describe a hinge pin.

Claim 1 also requires that a check mechanism is operably connected to the hinge pin. Although Magi describes finger members 46 and recesses 18, neither of these are operably connected to the bolt or nut. Instead, the bolt passes through a boss 52 in the second lock member 35. Thus, Magi does not describe the claimed check mechanism.

III. Request for Interview

The undersigned requests a telephone interview with the examiner to discuss the application and will call the examiner to schedule an interview within the next couple of weeks. If the examiner is ready to reconsider the application before the interview is scheduled, the examiner is asked to contact the undersigned to schedule the interview.

CONCLUSION

The Response is believed to be completely responsive to the Office Action. It is submitted that the application is in condition for allowance and a notice of allowance is respectfully requested.

EXCEPT for the issue fees payable under 37 C.F.R. § 1.18, the Director is authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 that may be required, including any required extension of time fees, or credit any overpayment to Deposit Account Number 11-0855. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

If there are any matters that can be addressed by telephone, the Examiner is respectfully urged to contact the undersigned attorney at 404 685 6799.

Respectfully submitted,

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